

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Civil Action No. 1:20-cv-00200-JSR

Hon. Jed S. Rakoff

**NOTICE OF MOTION FOR ATTORNEY FEES AND OTHER NON-TAXABLE
EXPENSES BY DEFENDANT FENIX DIAMONDS LLC**

PLEASE TAKE NOTICE that Defendant Fenix Diamonds LLC (“Fenix”), by and through its undersigned counsel, moves this Court, before the Hon. Jed S. Rakoff, United States District Judge, for an Order, pursuant to 35 U.S.C. § 285 and this Court’s inherent power, to declare this case exceptional and to award attorney fees and other non-taxable expenses.

The requested relief is appropriate for the reasons set forth in the Memorandum in Support of Fenix’s Motion for Attorney Fees and Other Non-Taxable Expenses submitted herewith, and the accompanying Declarations of Anne E. Li and documentary Exhibits that will be submitted with Fenix’s motion.

Pursuant to the Court’s Minute Entry dated September 13, 2023, the opening brief is due on September 21, 2023, and the rest of the briefing schedule will be set by the Court at a later date.

September 21, 2023

Respectfully Submitted,



Anne E. Li
Crowell & Moring LLP
590 Madison Avenue
20th Floor
New York, New York 10022
ali@crowell.com
(212) 223-4000

Mark H. Remus (*pro hac vice* pending)
Laura A. Lydigsen (*pro hac vice* pending)
Wei-Chih Hsu (*pro hac vice* pending)
Crowell & Moring LLP
455 N. Cityfront Plaza Drive
NBC Tower
Chicago, Illinois 60611
mremus@crowell.com
llydigsen@crowell.com
whsu@crowell.com
(312) 321-4200

Maxwell B. Snow
Consolidated Legal, LLC
990 N. Lake Shore Drive
Chicago, IL 60611
msnow@consolidated.legal

Counsel for Defendant Fenix Diamonds LLC